representative of the lap belt in the center rear seating position. In its compliance testing, the agency has not found a problem between the vehicle lap belt and a child harness such as that found by CAMI between an airplane lap belt and a harness. In addition, NHTSA has not found in its compliance testing the type of fit and adjustment problems between booster seats and the vehicle seats that CAMI found between booster seats and the aircraft seats.

Booster seats could fit better on vehicles than aircraft in part because of the design of the belt restraints with which the boosters are attached to the vehicle. The position of the buckle for an aircraft seat belt assembly is very different from that of a buckle for a vehicle seat belt assembly. An aircraft seat belt assembly is designed so that when it is buckled, the buckle is located midway between the anchorages, in front of the user's abdomen. A motor vehicle lap/shoulder belt or lap-only belt is designed so that the buckle is located to the side of the user's torso, near the hip, when the belt is buckled.

Another reason for believing that the problems reported by CAMI are not indicative of the performance of child restraints in motor vehicles is the difference between the crash pulse used by CAMI and the crash pulse used in FMVSS 213 testing. In its testing of head excursion, head and chest acceleration and abdominal forces, CAMI used a crash pulse appropriate for aircraft. FMVSS 213 testing, by contrast, involves the use of a motor vehicle crash pulse.

In view of the problems revealed by the CAMI testing, NHTSA and FAA will consider whether there is a need for future rulemaking to improve FMVSS 213's requirements for aircraft-certified child restraints other than harnesses and booster seats. The agencies are developing possible requirements and procedures that could improve the assessment of the performance of child restraint systems in the aircraft environment. Among other issues, the agencies will consider whether the seat assembly used under FMVSS 213 in testing child restraints for aircraft use sufficiently represents an aircraft passenger seat. Child restraints certified as complying with FMVSS 213's aircraft requirements are currently tested on a "representative aircraft passenger seat" (S7.3 of FMVSS 213). FMVSS 213 also specifies that FAA approved aircraft safety belts are used to test child restraints that are certified to the aircraft requirements.

Proposed Effective Date

The proposed effective date is 90 days after the publication of a final rule in the **Federal Register**.

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

NHTSA has evaluated the impacts of this proposal and has determined that it is significant within the meaning of the Department of Transportation's regulatory policies and procedures. The rulemaking action is significant because of the substantial public interest in issues involving child seats on aircraft. This rule is a significant regulatory action under E.O. 12866.

While this action is significant because of the public interest associated with it, NHTSA tentatively concludes that a rule resulting from this notice would have minimal impacts. In 1991, there were an estimated 1,200,000 booster seats produced. The consumer cost of a label is estimated to be \$0.09 to \$0.17, and total annual costs of a separate label range from \$108,000 to \$204,000. However, adding a sentence to the existing label, most likely the course of action taken in response to this rulemaking, would cost much less. This cost might be \$0.01 per label, resulting in a total annual cost of \$12,000. There is an added economic benefit of this proposed rule. Since booster seats would no longer be permitted to be certified for aircraft, there would be no need to perform the inversion test. Thus, testing costs to the child restraint manufacturer would be slightly reduced.

The agency is concerned whether this rulemaking action could affect consumers' use of booster seats before and after the air portion of their trips. In the 1984 rulemaking that allowed child restraints to be certified for use on motor vehicles and aircraft, NHTSA recognized that parents might not use child restraints to transport their children to and from the airport if the child restraint could not be used on the aircraft. The data indicated that child safety was not a critical issue for aircraft in terms of the number of child deaths, but that it was a large problem for motor vehicles before and after the flight. Many State laws that require the use of child seats in motor vehicles do not cover all the ages of children that might use booster seats. If booster seats may not be used on aircraft, and if parents are not willing to stow them with their luggage, NHTSA is concerned about the possibility that they could be left home altogether. As a result, the number of

child injuries in motor vehicle accidents might increase. NHTSA requests comments on how it should assess this issue. The agency is particularly interested in information concerning how many of these booster seats are currently in use and on the availability of booster seats at car rental agencies.

Regulatory Flexibility Act

NHTSA has considered the effects of this proposal under the Regulatory Flexibility Act. I hereby certify that this rule, if adopted, would not have a significant economic impact on a substantial number of small entities. Of the 11 current child restraint manufacturers known to the agency (not counting manufacturers of built-in restraints), there are six that qualify as small businesses. This is not a substantial number of small entities. Regardless of the number of small entities, the proposed rule would not have a significant economic impact on these entities. As noted above, the labeling costs associated with this rulemaking would be minimal. Further, the agency believes sales of booster seats would be minimally affected by this rulemaking, if at all. NHTSA believes almost all consumers decide to purchase a child restraint based on their intent to use the restraint in a motor vehicle, not in aircraft.

Executive Order 12612 (Federalism)

This rulemaking action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. The agency has determined that this proposed rule would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

National Environmental Policy Act

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action would not have any significant impact on the quality of the human environment.

Executive Order 12778 (Civil Justice Reform)

This proposed rule would not have any retroactive effect. Under section 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the State requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets